Serial No.: 10/701,089
Group Art Unit: 2616
Examiner: Dady Chery

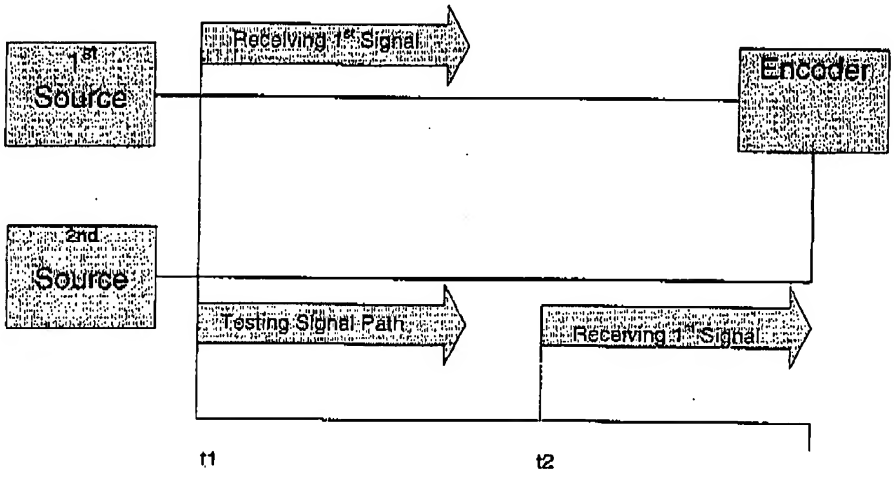
REMARKS

Claim 1 remain in this application.

The Examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Frankel (5,187,706) in view of Lee (5,661,779).

Claim 1 discloses a method for a system including a plurality of encoders each for receiving a first signal and encoding to generate a respective second signal for sending to a respective subscriber, the method comprising: receiving, in each encoder, the first signal from a first source, while testing a signal path between the second source and the encoders; and subsequently a second receiving step of receiving the first signal from a second source.

Visually, claim 1 discloses:



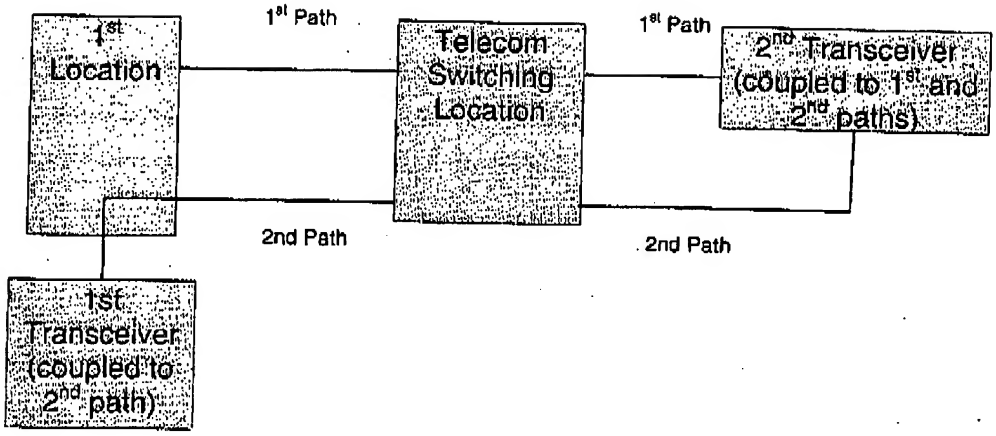
Note that the first signal from the first source is received at the encoder <u>while</u> a signal path is tested between the second source and the encoder.

The Examiner stated that Lee teaches a method (Fig. 1B) of monitoring a path between an encoder (112) and a first and second source while receiving a first signal and receiving the first signal from a first source (col. 3, lines 30-65). Col. 3, lines 30-65 state:

"In a broad sense, the present invention embodies a system for maintaining a communications signal exchange between a first location and a telecommunications switching location over first or second telecommunication paths. The telecommunications switching location is coupled to a plurality of telephone transceivers and is capable of coupling one of the telephone transceivers to the first location upon receiving a predetermined request signal from the one telephone receiver. The system includes a first transceiver coupled to the second telecommunications path approximately at the first location and a second transceiver coupled to the first and second telecommunication paths at the telecommunication switching location. The second transceiver has a memory, a microprocessor or central processing unit ("CPU") coupled to the memory, and at least one coupling circuit intercoupling the CPU to the first and second telecommunication paths. The CPU monitors the first telecommunications path and exchanges signals with the first transceiver over the second telecommunications path when the CPU determines that the first telecommunications path is faulty. The CPU provides a second telecommunications path to the one telephone transceiver when the CPU receives the predetermined request signal.

The present invention also embodies a method of maintaining a signal exchange between first and second locations having first and second transceivers associated therewith. The first and second transceivers are selectively coupled for signal exchange about a signal path upon an initiation by the first transceiver. The method includes the steps of: (1) monitoring a first signal path between the first and second locations, (2) determining if the first signal path is disrupted, (3) establishing a second signal path between the first and second locations before the initiation by the first transceiver, (4) maintaining the second signal path, and (5) providing a second signal path to the first and second transceivers upon the initiation by the first transceiver."

Visually, Col. 3, lines 30-65 disclose:



The CPU in the 2nd transceiver monitors the first telecommunications path and exchanges signals with the first transceiver over the second telecommunications path when the CPU determines that the first telecommunications path is faulty.

As can be seen, there are many differences between claim 1 and Col. 3, lines 30-65. For example, claim 1 discloses receiving a first signal from the first source at an encoder while contemporaneously testing a path from the second source at the encoder and then receiving the first signal from the second source at the encoder.

Per the remarks and drawings above, Applicant does not believe that Frankel or Lee teach or describe every element in claim 1. As such, Applicant believes claim 1 is in condition for allowance and respectfully requests withdrawal of the Examiner's rejection of claim 1, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Serial No.: 10/701,089
Group Art Unit: 2616
Examiner: Dady Chery

Respectfully submitted,

ALCATEL LUCENT

Dated: 09/28/2007

Raffi Gostanian
Reg. No. 42,595
972.849.1310